

REMARKS

Claims 9 - 23 are pending. Claims 1 - 8 have been cancelled. Claims 9, 10, 11, and 13 - 17 have been amended. Claims 19 - 23 have been added. No new matter has been introduced. Reexamination and reconsideration of the application are respectfully requested.

The Examiner rejected claims 1 - 8 under 35 U.S.C. § 101 because the claimed invention is directed to a non-statutory subject matter. Applicants have cancelled claims 1 - 8.

The Examiner rejected claims 1 - 7, 9 - 15, 17, and 18 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,950,172 to Klingman (the Klingman reference"). The Examiner rejected claims 8, 16, and 19 under 35 U.S.C. § 103(a) as being unpatentable over the Klingman reference.

These rejections in so far as they are applicable to the pending claims are respectfully traversed.

Claim 9, as amended, recites:

A computer-readable medium encoded with a program for enabling adaptive product recommendations based on multiple-scale ratings, said program, which when executed, cause a computer to:

acquire post-use multiple-scale ratings from at least one user, said post-use multiple-scale ratings corresponding to at least one product, the one product also being rated by multiple-scale product ratings, each of said post-use multiple-scale ratings and each of said multiple-scale product ratings comprising a plurality of rating scores with respect to a plurality of corresponding rating scales;
analyze said post-use multiple-scale ratings; and
enable adaptive product recommendations based on the analyzing of said post-use multiple-scale ratings.

The Klingman reference does not disclose, teach, or suggest the computer-readable medium of claim 9, as amended. The Examiner states that the Klingman

reference discloses the buyer obtaining rating information for a product in question after purchase of a product and showing that the product is rated within a score within a range of scores. (*Office Action, page 5*). Specifically, the Klingman reference discloses that if a user's caller ID matches a table in a server, then the user can enter a score in accordance with his/her satisfaction with the product. The Klingman reference also discloses that a web-based form can be used to allow a user to enter a score according to the satisfaction of the product. (*Klingman, col. 10, line 46 - col. 11, line 20.*) There is no mention or disclosure **that the user inputs ratings on multiple scales.**

This is not the same as a computer-readable medium encoded with a program, said program, which when executed, causes a computer to **acquire post-use multiple-scale ratings from at least one user, said post-use multiple-scale ratings corresponding to at least one product, the one product also being rated by multiple-scale product ratings.** It is not the same because the Klingman reference never discloses that ratings on multiple scales (such as comedy or drama, modern or period, family or adult) are input. Instead, the Klingman reference discloses only the input of a single rating of satisfaction or dissatisfaction with a product. Accordingly, applicant respectfully submits that claim 9, as amended, distinguishes over the Klingman reference.

Independent claim 11, as amended, recites limitations similar to those of claim 9, as amended. Accordingly, applicants respectfully submit that claim 11, as amended, distinguishes over the Klingman reference for reasons similar to those discussed above in regard to claim 9, as amended.

Claims 10 and 12 depend directly on claims 9 and 11, respectively. Accordingly, applicants respectfully submit that claims 10 and 12 distinguish over the Klingman reference for the same reasons as those discussed above with regard to claim 9.

Independent claim 13, as amended, distinguishes over the Klingman reference.

Claim 13, recites:

A computer-readable medium encoded with a program for making product recommendations utilizing multiple product ratings, said program, which when executed, causes a computer to:

obtain a plurality of pre-use multiple-scale selection specifications from a user, each of said pre-use multi-scale selection specifications being a rating score corresponding to a rating scale;

obtain a recommendation for a product based on a proximity of said plurality of pre-use multiple-scale selection specifications to multiple-scale product ratings for the product; and

acquire post-use multiple-scale ratings for said product, said post-use multiple-scale ratings corresponding to the product.

The Klingman reference does not disclose, teach, or suggest the computer-readable medium of claim 13, as amended. As discussed above in regard to claim 9, as amended, the Klingman reference does not disclose utilizing post-use multiple scale ratings for said product because the Klingman reference only is utilizing a single scale rating (satisfaction or dissatisfaction). Accordingly, claim 13, as amended, distinguishes over the Klingman reference.

Claim 13 further distinguishes over the Klingman reference. The Examiner states that the limitation of obtaining pre-use multiple-scale specifications from a user, where the pre-use multiple-scale specifications describe a product is met by the Klingman reference disclosure of a buyer obtaining rating information for a product prior to purchase and also that the system displays a description of the product. (*Office Action, page 6*). Applicants respectfully disagree with the Examiner. The Klingman

reference is disclosing that a user retrieve rating results or information regarding a product from a system that is displaying the ratings. This is not the same as **obtaining a plurality of pre-use multiple-scale selection specifications for a product from a user, each of said pre-use multi-scale selection specifications being a rating score corresponding to a rating scale** because the user in the Klingman reference is not providing multiple-scale specifications or requirements for a desired product. Instead, the user in the Klingman reference is only viewing rating information from a system. Accordingly, claim 13, as amended, further distinguishes over the Klingman reference.

Claim 13, as amended, further distinguishes over the Klingman reference. The Examiner states that the limitation of obtaining a list of products based on said pre-use multiple-scale selection specifications is met by the Klingman disclosure of a buyer, after purchase of a product, making a rating by assigning a score within a range of scores. The Examiner states that the list of products is inherent because it is shown in the buyer's display window which shows product information. (*Office Action, page 7*). This is not the same as **obtaining a recommendation for a product based on a proximity of said plurality of pre-use multiple-scale selection specifications to multiple-scale product ratings for the product, the multiple-scale product rating corresponding to the product**. It is not the same because the Klingman reference is not displaying a list of products based on what the user inputs as multiple-scale selection specifications. In contrast, the Klingman reference discloses that a product list is provided where rating scores are displayed and that the user can input a rating

after purchase of the product. Accordingly, claim 13, as amended, further distinguishes over the Klingman reference.

Independent claim 17, as amended, recites limitations similar to independent claim 13. Accordingly, applicants respectfully submit that claim 17, as amended, distinguishes over the Klingman reference for reasons similar to those discussed above in regard to independent claim 13.

Claims 14 and 18 - 23 depend, directly or indirectly, on independent claims 13 and 17. Accordingly, applicants respectfully submit that claims 14 and 18 - 23 distinguish over the Klingman reference for the same reasons as discussed above with regard to independent claim 13.

Claim 14 further distinguishes over the Klingman reference. Claim 14, as amended, recites:

The computer-readable medium of claim 13, said program including instructions, which when executed, cause a computer to:

generate pre/post-use discrepancies for the multiple rating scales by determining the difference between the pre-use multiple-scale selection specifications and the post-use multiple-scale product ratings and

create a multiple-scale personalized filter for said user based on said pre/post-use discrepancy.

The Klingman reference does not disclose, teach, or suggest the computer-readable medium of claim 14, as amended. The Examiner states that the limitation of generating a pre-post use discrepancy is met by the Klingman reference's disclosure of performing of mathematical analysis on scoring data to provide a rating. (*Office Action, page 7*). Specifically, the Klingman reference discloses using defined user or respondent categories and performing mathematical analysis on the scoring data with respect to these respondent categories of rating data. (*Col. 12, lines 51 - 55*). This is

not the same as **generating pre/post-use discrepancies for the multiple rating scales by determining the difference between the pre-use multiple-scale selection specifications and the post-use multiple-scale product ratings.**

It is not the same because the Klingman reference is disclosing performing some unknown mathematical analysis of the scoring data on certain user/respondent categories defined by common interests. It is not disclosing determining the difference between a pre-use multiple-scale selection specifications and the post-use multiple-scale product ratings because the Klingman reference is not disclosing the utilization of pre-use multiple-scale selection specifications. In other words, the Klingman reference is performing analysis by grouping together individuals with common or similar interests and grouping these individuals' product ratings. No comparison of scores is being completed. Accordingly, applicants respectfully submit that claim 14, as amended, further distinguishes over the Klingman reference.

Dependent claim 19 recites limitations similar to claim 14. Accordingly, applicants respectfully submit that dependent claim 19 distinguishes over the Klingman reference for reasons similar to those discussed above in regard to claim 14.

Independent claim 15 recites limitations similar to claim 13, as amended. Accordingly, applicants respectfully submit that claim 15, as amended, distinguishes over the Klingman reference for reasons similar to those discussed above in regard to claim 13, as amended.

Claim 16 depends directly on claim 15. Accordingly, applicants respectfully submit that claim 15, as amended, distinguishes over the Klingman reference for the same reasons as those discussed above in regard to claim 13, as amended.

Claim 16 further distinguishes over the Klingman reference. Claim 16 recites:

The computer-readable medium of claim 15, said program including instructions which when executed cause the computer to:

acquire post-use satisfaction ratings of said product from said user of said product;

determine a difference between said pre-use multiple-scale selection specifications and corresponding said post-use multiple-scale ratings to generate pre/post-use discrepancies for the plurality of rating scales; and

correlate the post-use satisfaction ratings with the pre/post-use discrepancies for the plurality of rating scales to identify which of the pre/post-use discrepancies substantially correlate with low values of said post-use satisfaction ratings.

The Klingman reference does not disclose, teach, or suggest of the computer-readable medium of claim 16, as amended. The Examiner states that the Klingman reference doesn't specifically disclose correlating the post-use satisfaction ratings with the pre/post-use discrepancy to identify the rating scales whose pre/post-use discrepancies substantially correlate with low value of said post-use satisfaction ratings. (*Office Action, page 9*). The applicants agree with the Examiner. However, the Examiner states that the above-identified feature is obvious because the Klingman reference discloses that the buyer determines that the product is inferior and also that the try and buy servers are co-located. The Examiner states that because the servers are co-located and since the scoring information for the try and buy servers are in shared memory, one of ordinary skill in the art would correlate this scoring information to reflect the fact they are in shared memory. (*Office Action, pages 9 - 10*).

The applicants are confused by the Examiner's statement. First, as discussed above, the Klingman reference is not dealing with multiple rating scales. Second, as discussed above, the Klingman reference does not disclose the generation of pre / post-use discrepancies. Third, there is no disclosure of **correlating the post-use**

satisfaction ratings with the pre/post-use discrepancies for the plurality of rating scales to identify which of the pre/post-use discrepancies substantially correlate with low values of said post-use satisfaction ratings. There is no disclosure because the Klingman reference discloses only inputting a satisfaction rating for a product, but does not disclose the correlation of the low values of the post-use satisfaction ratings with the pre/post-use discrepancies. The Examiner refers to the Try and Buy servers as disclosing the computer-readable medium of claim 16. However, the try server includes ratings of the product, allows the user to enter a rating, and then communicates with the buy server where the score is sent to the buy server. This is not the same as the three steps outlined above for claim 16, as amended. Accordingly, applicants respectfully submit that claim 16, as amended, further distinguishes over the Klingman reference.

Claim 20 recites limitations similar to those discussed above in regard to claim 16. Accordingly, claims 20 distinguishes over the Klingman reference for reasons similar to those discussed above in regard to claim 16.

///

///

///

///

///

///

///

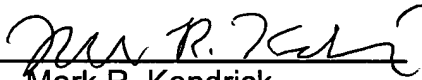
///

Applicants believe that the claims are in condition for allowance, and a favorable action is respectfully requested. If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call either of the undersigned attorneys at the Los Angeles telephone number (213) 488-7100 to discuss the steps necessary for placing the application in condition for allowance should the Examiner believe that such a telephone conference would advance prosecution of the application.

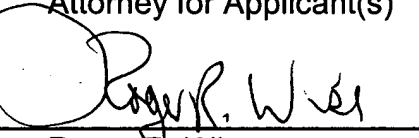
Respectfully submitted,

PILLSBURY WINTHROP LLP

Date: January 26, 2005

By: 
Mark R. Kendrick
Registration No. 48,468
Attorney for Applicant(s)

Date: January 26, 2005

By: 
Roger R. Wise
Registration No. 31,204
Attorney for Applicant(s)

725 South Figueroa Street, Suite 2800
Los Angeles, CA 90017-5406
Telephone: (213) 488-7100
Facsimile: (213) 629-1033